

# GRANT COUNTY CONSERVATION, SANITATION, & ZONING COMMITTEE MEETING

October 6, 2022

9:00 a.m.

Room #264, County Board Room, Administration Building and Via Zoom Meeting  
Lancaster, Wisconsin

The Grant County Conservation, Sanitation & Zoning Committee meeting was called to order on October 6, 2022, at 9:00 a.m. by Gary Northouse, the Conservation, Sanitation, Zoning Committee Chairman in Room #264, County Board Room of the Administration Building and via Zoom meeting.

Board members present in the County Board room: Porter Wagner, Gary Northouse, Joe Mumm, Brian Lucey and Pat Schroeder. Adam Day, Excused. Others present in the County Board room; Erik Heagle, Annette Lolwing, Robert Keeney, Shane Drinkwater, Justin Johnson, David Roth, Greg Lindenberg, Keith Hinderman, Solomon Feucht, and John Sewell. via Zoom: Shane Drinkwater, eheagle, Grant County Board Room, Chole, Adam, Russ Helbing, Shelby, and Emily Schildgen.

## **Certification of Open Meeting Law**

Annette Lolwing sent the agenda to Tonya White and Karla Schwantes to post in the Courthouse, in the Administration Building, and on the website. An agenda was also posted in front of the Ag Service Center Building. An agenda was also sent to Bob Middendorf, WGLR. Media notices were sent to Tonya White, Karla Schwantes, Herald Independent, Platteville Journal, Muscoda Progressive, Boscobel Dial, Fennimore Times, and Bob Middendorf.

## **Approval of October 6, 2022, Agenda**

Motion by Porter Wagner, seconded by Brian Lucey to approve the agenda. Motion carried.

## **Approval of the September 1, 2022, Minutes**

Motion by Porter Wagner, seconded by Joe Mumm to approve the September 1, 2022, minutes. Motion carried.

## **Review & Accept the Bills**

Motion by Pat Schroeder, seconded by Joe Mumm to accept the September bills. Motion carried.

## **Public Hearing for Rezones**

Chairman Northouse opened the Public Hearing

#RZ22-24 – Joshua & Loni Klaas, Paris Twp., are requesting to change the zoning classification on PIN: 046-00620-0000 of +/- 2.0 ac. from FP to A2 to allow for a nonfarm residence.

In Favor: Paris Twp. approved on September 13, 2022, and Keith Hinderman.

In Opposition: None

In Interest: This site is adjacent to the Village of Dickeyville. It is near where development has already occurred. The driveway will be coming off Indian Creek Road.

Committee Discussion: Joe Mumm had a concern about taking a few acres out of Farmland Preservation. Those acres will no longer be eligible to receive tax credits. Porter Wagner stated that Dickeyville has a comprehensive Plan, these acres are in that plan for expansion and development.

Chairman Northouse closed the Public Hearing

Motion by Porter Wagner that the items are concurrent with all the conditions on the Farmland Preservation Worksheet and to recommend approval of the rezone to the full County Board, seconded by Brian Lucey. Motion carried. See Attachment A Worksheet

Chairman Northouse opened the Public Hearing

#RZ22-25 – Joshua Baumgartner, Hickory Grove Twp., is requesting to change the zoning classification on PIN: 024-00757-0000 & 024-00761-0000 of +/- 5.63 ac. from FP to A2 to allow for a nonfarm residence.

In Favor: Hickory Grove Twp. approved on September 12, 2022.

In Opposition: None

In Interest: None

Committee Discussion: None

Chairman Northouse closed the Public Hearing

Motion by Pat Schroeder that the items are concurrent with all the conditions on the Farmland Preservation Worksheet and to recommend approval of the rezone to the Full County Board, seconded by Joe Mumm. Motion carried. See Attachment B Worksheet

Chairman Northouse opened the Public Hearing

#RZ22-26 – Hudspeth Auto Parts LLC, Paris Twp., is requesting to change the zoning classification on PIN: 046-00187-0020 & 046-00445-0020 of +/- 1.505 ac. from M1 to C1 to allow for the use of an auto-business with living quarters.

In Favor: Paris Twp. approved on September 13, 2022.

In Opposition: None

In Interest: Currently this parcel is being served by an easement. Commercial structures can't be served by an easement. A portion of that easement will be dedicated to Paris Township for a portion of Friederick Lane. That parcel will then be abutting a town road. As a result, that would meet the frontage requirements in the ordinance. Setbacks going from light industrial to commercial reduces the property line setbacks from 40' to 8' on the north line and 30' to the east line and will be an 8' offset to the south line.

Committee Discussion: Gary Northouse was asking about what septic was there before? They had a system of no record. They will be replacing the septic system and will be sizing it according. Brian Lucey asked if they were going to add on to the existing building or are they going to put living quarters in the exiting building? Justin stated that they will be adding living quarters to the existing building.

Chairman Northouse closed the Public Hearing

Motion by Porter Wagner to recommend approval of the rezone request for Hudspeth Auto Parts LLC to the full County Board, seconded by Joe Mumm. Motion carried.

Chairman Northouse opened the Public Hearing

#RZ22-27 – David & Shelley Reuter, Potosi Twp., are requesting to change the zoning classification on PIN: 052-00351-0000 of +/- 1.649 ac. from FP to C1 to allow for the use of a hair salon.

In Favor: Potosi Twp. approved on September 12, 2022.

In Opposition: None

In Interest: None

Committee Discussion: Brian Lucey asked: once this is rezoned for the hair solon, down the road she changes the hair solon to another business, does this rezone follow through with the new business? Justin stated that if there is another business use that is allowed in the C1 zoning district, they could put that business in there.

Chairman Northouse closed the Public Hearing

Motion by Porter Wagner that the items are concurrent with all the conditions on the Farmland Preservation Worksheet and to recommend approval of the rezone to the Full County Board, seconded by Brian Lucey. Motion carried. See Attachment C Worksheet.

Chairman Northouse opened the Public Hearing

#RZ22-28 – LM Helbing LLC, Jamestown Twp., are requesting to change the zoning classification on PIN: 026-00243-0045 of +/- 4.12 ac. from C2 to R2 to allow for a residence.

In Favor: Jamestown Twp. approved on June 7, 2022, and Russ Helbing

In Opposition: David Roth spoke in opposition of the request. He is going to be the new owner of the business to the East. He has concerns with water runoff from his parcel coming down across the Helbing property. He feels that it should remain as C2 instead of Residential.

Rebuttal: Russ Helbing stated that all the water from the future Dave Roth's property is running on to his property right now. Russ stated that his home will be built to code with roof gutters and down spouts. He feels that this lot is better suited for a home rather than commercial. Russ stated that there is a swail that diverts the water away from the Helbing lot.

In Interest: LM Helbing LLC had chosen R2 district to have a more buildable area on the sides. This site would be coming off Kunkel Lane. This could open it up to a multi-family home proposal, however it may be difficult because they would need to abut a public road. Easements can't serve a multi-family home. On the site plan it is proposed to be a single-family home. Porter Wagner has spoken with the Kieler Sanitation Board and the Jamestown Township Board. The Jamestown Township Board approved the rezone, but the Kieler Sanitation Board still has some problems with it. To cut the driveway in, there is a force main there. There is a lift station that is a part of this and has not been asked to connect into yet. There is another lift station down at the end of Wiederholt Lane, not sure how he would even connect to that. The Helbing property is so low now: he is either going to have a lift station in his house or to get it natural flow it could be possible to extend it down to the end of Wiederholt Lane, but how is he going to get there, he would need to go through a different landowner's property. When Porter spoke with the Jamestown Township, they said that it was approved for four houses, and now it is only one house.

Committee Discussion: Brian Lucey asked why we don't put everyone in the county as R2 and not R1? Erik stated that there are different setbacks for each zoning district.

Porter Wagner made a motion to table RZ#22-28, LM Helbing LLC. The committee is requesting the Helbing's to find the answers as to where the water is coming from, the sewer situation, and how far is the driveway going to be cut down. The committee would like LM Helbing LLC, contact the Kieler Sanitation Board and the Jamestown Township Board to get a straight answer, seconded by Joe Mumm. Motion carried.

### **Public Hearing for Conditional Use Permits**

Chairman Northouse opened the Public Hearing

#CUP22-013 Wisconsin Power & Light Co., Potosi Twp., are requesting a Conditional Use Permit on PIN: 052-00488-0015 of +/- 28.0 ac., to allow for trailers associated with the Grant Solar utility project under Section 3.05 E (1) of the Grant County Comprehensive Zoning Ordinance.

In Favor: Potosi Twp. approved on September 12, 2022, and Solomon Feucht.

In Opposition: None

In Interest: There were no conditions placed on this request. Solomon stated that they have an erosion control measure plan, they have the Stormwater Pollution Prevention Plan (SWPPP) permit, full inspection plan, and a comprehensive vegetative management plan which also takes into account for the years down the road.

Committee Discussion: Pat Schroeder asked if they are allowed to add more conditions. Justin reported only if they are reasonable and are based on substantial evidence.

Motion by Brian Lucey to recommend approval of the Conditional Use Permit, seconded by Porter Wagner.

Motion carried. See Attachment D & E Worksheet.

### **Zoning/Sanitation Report**

Erik reported that in 2021 we had 100 sanitary permits and in 2022 we have 106. Working on getting the 3-year maintenance forms entered in. There were a few plumbers and pumpers submit a list for work that still needs to be completed by the committees designated date of October 31<sup>st</sup>, 2022. Up through October 3<sup>rd</sup>, of 2021, we are at 150 zoning permits and 32 public hearings, this year we have 232 zoning permits and 55 public hearings. There are 23 active orders for corrections including citations that haven't been corrected. There were 2 court dates scheduled, one for October 3<sup>rd</sup>, 2022, which the case was reopened and did not appear, and 1 trial for October 31<sup>st</sup>, 2022, and 1 trial scheduled for November 10<sup>th</sup>.

### **Approval of 2023 Wildlife Damage Abatement Claims Program**

Annette presented the 2023 WDACP budget. These expenses are reimbursed by the WI DNR and is an in and out account to the budget. There is no cost to the county. Motion by Pat Schroeder, seconded by Porter Wagner to approve the 2023 WDACP budget. Motion carried.

### **Approval of the 2023 Tree Sale**

Annette handed out a copy of the preliminary 2023 Tree Sale Order form. We started sending out our tree order requests to the nurseries in June this year with finalizing our 2023 tree order requests in August. Ordering trees gets earlier every year. Motion by Gary Northouse, seconded by Porter Wagner to approve the 2023 Tree Sale Order Form. Motion carried.

### **Farmland Preservation Program**

Erik reported that they have 3 landowners that are opting out of the Farmland Preservation Program. Wiest-A-Vista and Timothy Hooks sold their property, and Randy & Kim Spease voluntarily opted out, they didn't have time to do the Farmland Preservation farm inspection. Motion by Pat Schroeder, seconded by Joe Mumm to approve the 3 landowners that opted out of the Farmland Preservation Program. Motion carried.

### **County Cost Sharing:** Beginning Balance \$23,009.28/Ending Balance \$15,113.04

Erik presented tentative approval request for county cost sharing on a Waste Facility Closure for RBM Land LLC, Wingville Twp., \$4,000.00. Motion by Joe Mumm, seconded by Brian Lucey to approve RBM Land LLC's cost share request. Motion carried.

Erik presented final approval request for county cost sharing on a Well Decommissioning project (field well) for Ken Demmer, Harrison Twp., \$610.58. Motion by Porter Wagner, seconded by Brian Lucey to approve the payment. Roll Call: 5 Yes, 0 No, 1 Excused. Motion carried.

Erik presented final approval request for county cost sharing on a Well Decommissioning project (bin well) for Ken Demmer, Harrison Twp., \$394.30. Motion by Joe Mumm, seconded by Brian Lucey to approve the payment. Roll Call: 5 Yes, 0 No, 1 Excused. Motion carried.

Erik presented final approval request for county cost sharing on a Well Decommissioning project for Gary and Chris Stelpflug, South Lancaster, Twp., \$294.08. Motion by Joe Mumm, seconded by Porter Wagner to approve the payment. Roll Call: 5 Yes, 0 No, 1 Excused. Motion carried.

### **SWRM Cost Sharing:**

#### **2021 DATCP Cost Sharing:** Beginning Balance \$18,585.33/Ending Balance \$11,585.33

Erik presented final approval request for 2021 DATCP cost sharing on a Streambank & Shoreland Protection project for MDT Ranch, Castle Rock Twp., \$7,000.00. Motion by Joe Mumm, seconded by Porter Wagner to approve the payment. Roll Call: 5 Yes, 0 No, 1 Excused. Motion carried.

#### **2022 DATCP Cost Sharing:** Beginning Balance \$4,402.72/Ending Balance \$0.00

Erik presented tentative approval request for 2022 DATCP cost sharing on 2 Waste Facility Closures for Grantland Grain LLC, Potosi Twp., \$4,402.72: and 2022 County Cost Sharing for \$2,597.28 for a total of \$7,000.00. Motion by Porter Wagner, seconded by Pat Schroeder to tentatively approve Grantland Grain LLC's cost share requests. Motion carried.

#### **2021 MDV Cost Sharing:** Beginning Balance \$44,024.09/Ending Balance \$0.00

Erik presented tentative approval request for 2021 MDV cost share on a Milk Center Waste Control for Landon Farms, Little Grant Twp., \$44,024.09. Motion by Pat Schroeder, seconded by Joe Mumm to tentatively approve Landon Farms' cost share request. Motion carried.

### **Storage Permit Approval**

There are 3 pending storage permit approvals. Grantland Grain LLC – 2 abandonment permits, RBM Land – 1 abandonment permit, and Landon Farms Inc. 1 new milkhouse waste system permit. Motion by Joe Mumm, seconded by Brian Lucey to approve Erik to issue the 4 permits. Motion carried.

## **CSZD Administrator Report**

- \* Nothing new since the last committee meeting.
- \* There is a BOA meeting scheduled for October 12<sup>th</sup>. There are 2 sites on the agenda, one for an access road in the floodplain and one for usage of a structure to house livestock within the allowable setback distance.  
October 12<sup>th</sup> will be Peg Walsh's last BOA meeting. Kevin Lange has agreed to become a new member of the BOA.
- \* Erik will be meeting with Erika Sauer, Lafayette County and Katie Abbott, Iowa County for a SWIGG meeting to put together a letter of approval for SWIGG 2.0 study.

### **Other Information:**

- Erik is looking to review the County Storage Ordinance, Cooperator Cost Share Rates, Cost Share Priorities, adding 2 new rates for zoning and sanitation (in-house at grade plan approval and navigability determination fees) These items will be brought to the December meeting for approval and to implement the changes on January 1, 2023.
- Next month we will be reviewing the disabilities projects. There will be a zoning amendment presented.
- On September 27<sup>th</sup>, John Sewell will be the new county Conservation Technician. He comes to us from Delta 3, 4 years as a survey technician.
- Erik reported that they had the Clean Sweep on September 23<sup>rd</sup> & 24<sup>th</sup>. Jeff Kindrai, Troy Morris, and the Health Department took care of Friday the 23<sup>rd</sup>. They had 57 people that participated. Erik, Justin, Bill, and Traci worked on Saturday, the 24<sup>th</sup>. They had 20 people that participated. Overall, it went well.
- Erik informed the Committee and Board of a citation that will be issued. Erik would like to discuss (rezones, permits, etc.) and when to waive them.
- Erik reported that the office is receiving more and more inquiries on the use of campers: used as a permanent or non-permanent residence. Campers are not allowed to be used as a permanent residence according to the ordinance. It was asked; How are those people handling the sanitary? The County has just spent a lot of money on the ground water study.

## **Continuous Improvement Update**

- Erik reported that Justin, Brad, and himself will be attending the WCCA conference October 19<sup>th</sup> – 21<sup>st</sup>.
- On September 13<sup>th</sup> – Webinar for POWTS continuing education credits.
- Working on getting John situated and trained. Hopefully has computer access soon.

## **NRCS Report**

Erik presented the NRCS Report for Andy Walsh. Mike Adams has accepted the Resource Conservationist position in Lancaster. He is currently the Soil Conservationist. The Soil Conservationist position will be advertised in November to rehire.

The deadline date for landowners wanting to apply for the EQIP program is November 4<sup>th</sup>. All applications received by that date will be evaluated for funding under the first sign up under 2023.

## **FSA Report**

Emily Schildgen reported that it is fall crop reporting time. If anyone is planning to plant fall seeded small grains such as wheat or rye need to be reported by November 15, 2022. Must report if you are planting wheat or rye for grain or forage. What constitutes a cover crop in the fall? It is what your intent is: if your intent is for a conserving use and to use it as a cover, that cover can be terminated in a variety of ways including cutting it and chopping it. FSA does not require landowners to report cover crops, however there are other programs, such as RMA, NRCS and/or DATCP that you may be required to report them. DATCP has a cover crop program, the application deadline for this is in mid-January. DATCP will require the producer to file a 578 for this application. There are also cover crops as part of the NRCS EQIP program. If you are applying for EQIP this year the sign-up deadline is in November and the ranking is in March.

This will be for next year's cover crop. If you are doing cover crops, you just as well report them now and get it taken care of. The spring deadline to certify crops is July for FSA purposes.

The Organic Certification Cost Share Program or (OCCSP) and the Organic Transitional and Educational Cost Share Program (OTECP) both have deadlines of October 31<sup>st</sup>. Anybody who is organic and has the 3-year transitional period to become organic. The government did a program (OTECP) for those transitional costs that they must do like soil testing, classes, various projects that they must do in that 3-year term to become fully certified organic or maintain their certification. The OCCSP is for cost sharing for the annual certification costs organic producers must pay to maintain their organic certification and inspections. They can receive up to 50% cost sharing on that.

The Dairy Margin Coverage Program (DMC) program, the August margin came out Friday and it came in at \$8.08. Anyone that had the \$9.50 coverage for 2022 for DMC the FSA office are working through those payments. If premiums were not paid in full by September 1<sup>st</sup> will have the August payment go towards that premium before it becomes a receivable and begins accruing interest. The 2023 Calendar year coverage opens Monday, October 17<sup>th</sup>, the deadline for the dairy program is December 9<sup>th</sup>. Those that are locked in will still have to sign up. 2023 is that last year for the DMC under the current farm bill.

Reminder to all the producer that changes in bank accounts can hold up payments. CRP payments are to show up for processing the middle of next week. Given the volume of CRP payments those can take a couple of weeks for them to get through. It will take a week before the money shows up in the bank accounts. Busy time of year in the FSA office.

Emily gave the staffing update as well, one of her PT's Karlene has taken a position with the Farm Loan Team in Lancaster starting on Monday, October 10<sup>th</sup>. Emily will have a vacancy to fill. Position should be posted the end of October to the first part of November.

The next meeting is scheduled for November 3, 2022, at 9:00 a.m.

Motion by Joe Mumm, seconded by Porter Wagner to adjourn the meeting. Motion carried.

Respectfully Submitted by Annette Lolwing for Porter Wagner

Attachment A Worksheet

Review of Standards for Rezoning Land out of Farmland Preservation

Date: 10/6/22 Landowner: Keith Hinderman

The Grant County Board may not rezone land out of a farmland preservation zoning district unless the Grant County Zoning and Sanitation Committee finds all of the following in writing, after public hearing, as part of the official record of the rezoning:

1. The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.

Yes or  No Explain:

Even though development is occurring on prime farmland soil, it will occur on ~~7~~ 2.0 ac.

2. The rezoning is consistent with any comprehensive plan, adopted by the Grant County Board which is in effect at the time of the rezoning.

Yes or  No or  N/A

Explain: stated on Township Form on 9/13/22

3. The rezoning is substantially consistent with the Grant County farmland preservation plan policy.

5.1: Non-farm development will be directed to non-agricultural soils or less productive agricultural soils, consistent with the needs of the development.  Yes  No

5.2 Non-farm development will be directed to areas where it will cause minimum disruption of established farm operations or damage to environmentally sensitive areas.  Yes  No

5.3 Non-farm development will be encouraged to locate so as to leave a maximum amount of farmland in farmable size parcels.  Yes  No

5.4 Non-farm residential development will be directed to existing platted subdivisions and sanitary districts.  Yes  No  N/A

5.5 Agriculturally-related development, while not discouraged in rural areas, will still comply with other policies set forth in this section, consistent with being located where it will be a maximum benefit to agriculture.  Yes  No  N/A

6 The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

6.4 Located in a Farmland preservation zoning district

6.5 Covered by a Farmland Preservation Agreement

6.6 Covered by an agricultural conservation easement

6.7 Otherwise legally protected from nonagricultural development

Yes or  No

Explain: see #1 -> proximity to Dickeyville

7 The CSZC  recommends/does not recommend approval to the Grant County Board of Supervisors (Grdeone)

Porter/Bryan

Review of Standards for Rezoning Land out of Farmland Preservation

Date: 10/6/22 Landowner: Joshua Baumgartner

The Grant County Board may not rezone land out of a farmland preservation zoning district unless the Grant County Zoning and Sanitation Committee finds all of the following in writing, after public hearing, as part of the official record of the rezoning:

1. The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.

Yes or No Explain:

Proposed development is on non prime farmland soil

2. The rezoning is consistent with any comprehensive plan, adopted by the Grant County Board which is in effect at the time of the rezoning.

Yes or No or N/A

Explain: Per Township Participation Form dated 9/12/22

3. The rezoning is substantially consistent with the Grant County farmland preservation plan policy.

5.1: Non-farm development will be directed to non-agricultural soils or less productive agricultural soils, consistent with the needs of the development. Yes No

Proposed development is within a wooded area

5.2 Non-farm development will be directed to areas where it will cause minimum disruption of established farm operations or damage to environmentally sensitive areas. Yes No

Development will occur in an area that doesn't have an established

5.3 Non-farm development will be encouraged to locate so as to leave a maximum amount of farm farmland in farmable size parcels. Yes No

Remainder of the property will be 295 ac.

5.4 Non-farm residential development will be directed to existing platted subdivisions and sanitary districts. Yes No N/A

Not a platted subdivision

5.5 Agriculturally-related development, while not discouraged in rural areas, will still comply with other policies set forth in this section, consistent with being located where it will be a maximum benefit to agriculture. Yes No N/A

No ag related development is proposed

6 The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

6.4 Located in a Farmland preservation zoning district

6.5 Covered by a Farmland Preservation Agreement

6.6 Covered by an agricultural conservation easement

6.7 Otherwise legally protected from nonagricultural development

Yes or No

Explain: Home would be built on non prime farmland soil.

7 The CSZC recommends/does not recommend approval to the Grant County Board of Supervisors

(Circle one) pat/Joel



Review of Standards for Rezoning Land out of Farmland Preservation

Date: 10/6/22 Landowner: David + Shelley Reuter

The Grant County Board may not rezone land out of a farmland preservation zoning district unless the Grant County Zoning and Sanitation Committee finds all of the following in writing, after public hearing, as part of the official record of the rezoning:

1. The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.

Yes or No Explain:

Even though the structure is on prime farmland soil, the building site is already established on a parcel that is 1.649 ac

2. The rezoning is consistent with any comprehensive plan, adopted by the Grant County Board which is in effect at the time of the rezoning.

Yes or No or N/A

Explain: Per Township Form dated 9/12/22

3. The rezoning is substantially consistent with the Grant County farmland preservation plan policy.

5.1: Non-farm development will be directed to non-agricultural soils or less productive agricultural soils, consistent with the needs of the development.  Yes No

Building site is already established

5.2 Non-farm development will be directed to areas where it will cause minimum disruption of established farm operations or damage to environmentally sensitive areas.  Yes No

Remainder of the property will be zoned as Farmland Pres. ± 933 ac

5.3 Non-farm development will be encouraged to locate so as to leave a maximum amount of farmland in farmable size parcels.  Yes No

No new structures proposed in an existing farm operation

5.4 Non-farm residential development will be directed to existing platted subdivisions and sanitary districts. Yes No  N/A

Not located in a platted subdivision

5.5 Agriculturally-related development, while not discouraged in rural areas, will still comply with other policies set forth in this section, consistent with being located where it will be a maximum benefit to agriculture. Yes No  N/A

No ag related development being proposed

6 The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

6.4 Located in a Farmland preservation zoning district

6.5 Covered by a Farmland Preservation Agreement

6.6 Covered by an agricultural conservation easement

6.7 Otherwise legally protected from nonagricultural development

Yes or No

Explain: Development already exists → use would be converted to hair salon if approved

7 The CSZC  recommends  does not recommend approval to the Grant County Board of Supervisors

(Circle one)

Porter/Brian

Conditional Use Permit in Farmland Preservation

Date: 10/6/22

Landowner: Wisconsin Power & Light Co.

The Grant County Zoning and Sanitation Committee may issue a conditional use permit for a proposed land use as long as they determine in writing that the proposed use meets applicable conditions under this section. The CSZC may issue the permit subject to any additional conditions which the CSZC deems necessary to carry out the purpose of this ordinance.

(1) Transportation, communication, pipeline, electric transmission, utility, or drainage uses, if all of the following apply:

(a) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

Yes or No Explain:

Use is temporary and will occupy approximately .25 of the parcel.

(b) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state, or federal law.

Yes or No Explain:

state Public Service Commission has review authority over solar project location

(c) The use is reasonably designed to minimize conversion of land at and around the site of the use from agricultural use, or open space use.

Yes or No Explain:

Project will occupy about a quarter of the property

(d) The use does not substantially impair, or limit the current, or future agricultural use of surrounding parcels of land that are zoned for, or legally restricted to agricultural use.

Yes or No Explain:

the parcel would remain zoned FP which would not prohibit future ag use.

(e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

Yes or No Explain:

Erosion control measures will be implemented.

The CSZC recommends / does not recommend approval of the Conditional Use Permit.

Brian Porter

BEFORE GRANT COUNTY  
CONSERVATION, SANITATION AND ZONING DEPARTMENT

CONDITIONAL USE PERMIT  
FOR WISCONSIN POWER & LIGHT  
6006 SUBSTATION RD, POTOSI TOWNSHIP, GRANT COUNTY, WI

FINDINGS OF FACT

The agency finds that:

1. Wisconsin Power & Light owns property located within part of the Southwest Quarter of the Northwest Quarter of Section 23, Township 3 North, Range 3 West, Potosi Township, Grant County, WI. Such property consists of tax parcel number 052-00488-0015
2. On July 29<sup>th</sup>, 2022 the Conservation, Sanitation and Zoning Department disclosed to Blattner Energy that a Conditional Use Permit would be required for trailers associated with the Grant Solar utility project under Section 3.05 E (1).
3. On September 12<sup>th</sup>, 2022, the Potosi Township Town Board recommended approval for the CUP request under Section 3.05 E (1). 3 were in favor and 0 opposed. The Township did not place any conditions on the request.
4. On September 13<sup>th</sup>, 2022, the CSZD received an application for a CUP request to allow for the continued use trailers associated with the Grant Solar utility project.
5. On September 22<sup>nd</sup>, 2022 and September 29<sup>th</sup>, 2022, a public notice was published in the County's official newspaper for the CUP request.
6. On October 6<sup>th</sup>, 2022, the CSZC reviewed the CUP request through a public hearing and determined the findings of fact to **approve** or **deny** the CUP application.

## FINDINGS OF FACT AND CONCLUSION

1. The CSZC (hereinafter referred to as the agency) has the authority pursuant to the Grant County Comprehensive Zoning Ordinance Ch. 315 Subsection 3.27 (5) to issue or deny conditional use permits. Prior to granting or denying a conditional use, the agency shall make a findings of fact based on evidence presented, issue a determination whether the standards of the ordinance are met, and require additional conditions, as needed. Based upon the above findings and information provided at the public hearing, the CSZD finds that the conditional use **does** or **does not** meet the following criteria:
  
2. The agency under Ch. 315 Subsection 3.27 (5) (c) shall consider the following criteria:

- (1) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- (2) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- (4) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
- (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
- (6) That adequate prevention and control of water pollution including sedimentation are being provided;
- (7) That adequate measures will be taken to sustain existing topographic and drainage features and vegetation cover on the site;
- (8) That adequate location of the site with respect to flood plains and floodways of bodies of water;
- (9) That adequate consideration of erosion potential of the site based upon degree and direction of slope, soil type and vegetation cover;
- (10) That location factors are considered which address:
  - (a) Domestic uses shall be generally preferred;
  - (b) Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source; and
  - (c) Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase the possibility.
- (11) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Conservation, Sanitation & Zoning Committee; and
- (12) In the case of nonmetallic mining, the Conservation, Sanitation, & Zoning Committee shall also consider any reclamation plan submitted for the property and the reclamation plan's provisions for maintaining lateral support and for depth of the quarry pursuant to the standards set forth in Wisconsin Administration code Chapter NR 136.